

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

BONNIE HULING,

*

Plaintiff,

*

vs.

*

CASE NO. 4:10-CV-95 (CDL)

NANCY B. MILLER,

*

Defendant.

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ORDER ON RECOMMENDATION OF DISMISSAL

After a *de novo* review of the record in this case, the Recommendation of Dismissal filed by the United States Magistrate Judge on September 24, 2010 is hereby adopted, and Plaintiff's Complaint is dismissed. The Court notes that insofar as Plaintiff attempts to assert a claim under 42 U.S.C. §1983 against his private attorney for ineffective assistance of counsel, that claim cannot be sustained because it is clear that private counsel was not acting under color of state law. Accordingly, Plaintiff's allegations against his counsel fail to state a claim under section 1983 and must be dismissed on that basis.

The objections of the Plaintiff have been considered and are found to be without merit.

IT IS SO ORDERED, this 7th day of October, 2010.

S/Clay D. Land

CLAY D. LAND

UNITED STATES DISTRICT JUDGE